

Case 19-22551-GLT Doc 54 Filed 02/12/20 Entered 02/12/20 16:28:45 Desc Main Document Page 1 of 1

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: : Case No.: 19-22551-GLT
Joshua Luke Frobe : Chapter: 13
: :
: Date: 2/12/2020
Debtor(s). : Time: 09:00

PROCEEDING MEMO

MATTER: #43 - Motion to Avoid Lien with Midland Funding, LLC
#52 - CNO filed

Tentative Ruling: After preliminary review, the Court is inclined to deny the Debtor's motion to avoid a judgment lien held by Midland Funding, LLC without prejudice. The motion fails to make a showing of all required elements under 11 U.S.C. § 522(f) necessary to establish a claim for relief. In particular, the motion fails to establish the sum of any other liens on the property. Absent such allegations, it does not appear that the judgement lien of \$3,743.92 impairs the Debtor's exemption when the scheduled value of the property is \$165,000.

APPEARANCES:

Debtor: Janice Quoresimo
Trustee: Kate Disimone

NOTES: (9:00)

Quoresimo: Per claim 6 there's a lien by Wells Fargo, and the sum of all the liens is \$166,666.22

Court: What I'm looking for in a motion to avoid a lien is all the elements required by Sec. 522(f), it needs to be averred whether there is another mortgage out there.

Quoresimo: I understand, would you like an amended motion?

Court: No, at this point the averment is on the record, and I find grounds to grant the motion.

OUTCOME:

1. Motion to Avoid Lien with Midland Funding, LLC [Dkt. No. 43] is GRANTED. O/E

DATED: 2/12/2020